

A9
aperture (adapted) having a size and shape for accepting the bottle neck and removable cap and located so that under the condition of said aperture engaged with said bottle neck and cap, there is a (for) positioning of the (an) inner surface of the snack envelope inner (outer) wall intimately against the bottle wall for securement therewith, the aperture (envelope) further providing a concentrically oriented cylindrical inner wall (enabled) for engagement with the bottle (neck) cap, the snack envelope extending diametrically from the bottle wall no more than by the thickness of the outer envelope wall thereby allowing said combination to occupy substantially the same space as a drink bottle alone.

In Claim 11 line 1, after "positioned for" insert --removable--.

In Claim 11 line 2, after "surface of the" insert --snack--.

In Claim 11 line 2, delete "for sealing the envelope".

In Claim 12 line 2, before "envelope" insert --snack--.

In Claim 12 line 2, delete "envelope" and insert --opening of said aperture--.

Delete claim 13 and insert the following in place thereof:

A10
13. (First Amended) The combination of claim 10 wherein the outer snack envelope wall is spirally scored so as to enable peeling the envelope without releasing said snack food from said envelope, thereby allowing a user to remove said snack envelope away from the drink bottle.

Delete claim 14 and insert the following in place thereof:

A11
14. (First Amended) The combination of claim 10 (wherein the enablement) further comprising a catch mounted on (of) the inner wall for engagement with the bottle neck, said catch fabricated in the form of (is) an inwardly radially directed (protruberence) protuberance.

In claim 15, line one, delete "protruberence" and insert --protuberance--.

In claim 16, line one, delete "protruberence" and insert --protuberance--.

Applicant's new attorney has eliminated the terms "adapted" and "enable" in the claims and specification so as to better define the claims and positively recite the claimed invention.

The claims are in a form to be examined and timely allowance is respectfully requested.

The examiner has rejected claims 10, 14-15, 17 as being unpatentable over Brauner and states that the cylindrical bottle and cylindrical envelope are simply a design choice and therefore not inventive.

Applicant's attorney respectfully traverses the examiner's conclusion because applicant's inventive step is at least combining two vending spaces (one for a drink and a second for a snack) into a single unit that can occupy and be vended from a single space without any modifications required to the vending machines. All of the prior art teaches using the entire vending space for either a bottle or snack.

The examiner has rejected Claims 11-12 as being unpatentable over Brauner in view of Barnes. On reading Barnes, applicant's attorney only finds "A simple adhesive tape can be employed" Page 6, line 44, which may be viewed as prior art by the examiner. However, using tape to hold things in place is well established in the art and is not considered an inventive step by applicant by itself in the claims. The claims are dependent in nature and contain all of the limitations of the claims upon which they depend. Hence, these claims should be allowable.

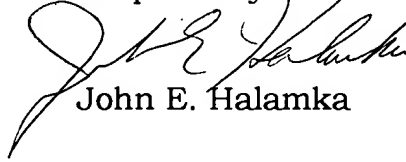
The examiner has rejected Claim 13 as being unpatentable over Brauner in view of Rea. Packaging multiple items within a single package and making that outside package easy to open is not the claimed inventive step by applicant as Claim 13 contains all of the limitations of the claims upon which it is dependent and should be allowed.

The examiner has rejected Claim 16 as being unpatentable over Brauner in view of LaBarbera. Attachment of an overcover is well known in the art and not claimed as an inventive step by applicant in this dependent claim. Because the claim contains all of the limitations of the claims upon which it is dependent it should be allowed.

Applicant's attorney filed a response within the sixth month from the date of mailing of the office action PAPER NUMBER 5 dated 7/5/00, therefore applicant's attorney requests a three month extension for the filing of this response. As applicant has filed a small entity statement, the fee required is believed to be in the sum of \$445.00.

Applicant's attorney authorizes all fees, extension and additional claims, if any, to be paid from his deposit account number 08-0207 as well as any other fees that may be assessed due to the filing of this response. A duplicate of this authorization page is attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Halamka", is written over the printed name. The signature is fluid and cursive, with a large initial "J" and "H".

John E. Halamka